

**CITY OF DICKINSON
BOARD OF CITY COMMISSIONERS**

RE: 219 5th St. E., Dickinson, ND 58601
The East Sixty Feet (E. 60') of Lot Seven (7), Block Thirty-Seven (37), of the Original
Plat of the Town, now City of Dickinson, Stark County, North Dakota
Pat Ridl and Riley Ridl, Property Owners

FINDINGS OF FACT & ORDER

1. On Tuesday, June 17, 2025, the Board of City Commissioners met to hear evidence regarding the structure located on 219 5th St. E., Dickinson, ND 58601 ("the Property"), specifically whether the structure located on the Property should be demolished pursuant to the Dickinson Municipal Code ("DMC").
2. The City asserted that the primary structure located on the Property is a dangerous building and must be demolished.
3. The Property owners, Pat Ridl and Riley Ridl, (collectively the "Owners") were not present at the hearing.
4. The Board of City Commissioners finds that the structure located on the Property is a dangerous structure pursuant to Chapter 8 of DMC and must be demolished pursuant to Chapter Section 8-184, Section 8-185 and Section 8-186 of the DMC and hereby makes the following Findings of Fact:

FINDINGS OF FACT

5. That the DMC contains the following provisions:

Sec. 8-184. - Conditions constituting dangerous buildings or structures.

For the purposes of this article, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. For the purposes of this article, the term "Building Code" shall mean the Building Code adopted by the City in Section 8-11.

- 1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- 2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- 3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1.5 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- 4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- 5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- 6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- 7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- 8) Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause; is likely to partially or completely collapse.
- 9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- 10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- 11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- 12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor for vagrants, criminals, or immoral persons; or

- c. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
- 13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of the State or jurisdiction relating to the condition, location or structure of buildings.
- 14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics; required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- 15) Whenever a building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
- 16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- 17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
- 18) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Sec. 8-185. - Standards for repair, vacation or demolition.

The following standards shall be followed in substance by the Building Inspector and the Board of City Commissioners in ordering repair, vacation or demolition:

- (1) If the dangerous building can be reasonably repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupant, it shall be ordered to be vacated.
- (3) In any case where a dangerous building cannot be repaired so that it will no longer exist in violation to the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation

of the terms of this article or any ordinance of the City or statute of the State, it shall be demolished.

Section 8-186 - Dangerous buildings, nuisances.

All dangerous buildings within the terms of Section 8-184 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.

Sec. 8-192. - Where owner absent from the City.

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the City, all notices or orders provided for herein shall be sent by registered or certified mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in the building, as shown by the records of the County Register of Deeds, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates. Such mailing and posting shall be deemed adequate service.

6. That Pat Ridl (“Pat”) and Riley Ridl (“Riley”), are the record title owners (the “Owners”) of the Property. (Exhibit A).
7. That there are outstanding, unpaid property taxes for the Property from 2022 and 2023.
8. That the City notified the Owners and the Stark County Auditor of the hearing with the Board of City Commissioners. (Exhibit B, Exhibit C-1, C-2, Exhibit D-1 to D-3, F-1 to F-6).
9. The City made unsuccessfully attempted personal service of the Notice of Hearing on the Owners using the Stark County Sheriff’s Department’s civil process services. (Exhibit G-1, G-2)
10. That the City published a Notice of Hearing in the Dickinson Press newspaper on May 28, June 4, and June 11, 2025. (Exhibit H-1 to H-4)
11. That the City first became aware of concerns with the Property in June of 2001 after the City conducted an inspection and observed a collection of debris and weed and grass violations. (Exhibit I, Testimony of Tiffany Stewart).

12. That the City required the lot to be cleaned up, debris removed, and the grass cut within fifteen (15) days of the receipt of notice it sent on June 27, 2001. (Exhibit F, Testimony of Tiffany Stewart).

13. That on July 18, 2001, an inspection of the Property was conducted by City staff for the purpose of determining if it had been cleaned up. The City observed that while cleaning had begun, it was not completed and required the Owner, Pat (sole owner at this point), to do so within seven (7) days. (Exhibit J, Testimony of Tiffany Stewart).

14. That on June 16, 2005, City staff conducted an inspection of the Property and determined that the Property was in violation of the Property Maintenance Code ("PMC") due to electrical issues and no water being provided to the structure. The City determined the interior was not being properly maintained. (Exhibit K, Testimony of Tiffany Stewart).

15. That per the June 16, 2005 inspection, the City required that Pat contact the Codes Department with a plan to remedy these violations within five (5) of receiving the letter. The City also required that any tenants be removed if the property was in a dilapidated condition. (Exhibit K, Testimony of Tiffany Stewart).

16. That on July 7, 2005, the City notified Pat that the it had not received a response to the June 16 inspection notice and that it was requiring the Property to be vacated within fifteen (15) days and remain so until an inspection was completed. (Exhibit L, Testimony of Tiffany Stewart).

17. That on March 8, 2006, the City notified Pat that an inspection had been conducted and the City was requiring that a broken window be fixed and the debris around the Property to be cleaned within five (5) days. Additionally, all vehicles in violation were to be removed within 72 hours of being tagged. (Exhibit M, Testimony of Tiffany Stewart).

18. That on June 22, 2009, the City sent Pat a grass and weed violation notice and required it be cleaned up by June 28, 2009. Additionally, all vehicles in violation were to be removed within 72 hours of being tagged. (Exhibit N, Testimony of Tiffany Stewart).
19. That on October 14, 2010, the City sent Pat a notice determining the Property was in violation of the vehicle and parking section of the DMC and required that all vehicles in violation were to be removed within 72 hours of being tagged. (Exhibit O, Testimony of Tiffany Stewart).
20. That on June 15, 2020, the City conducted an inspection, took photographs of the Property, and subsequently sent a notice to Pat requiring that debris and garbage be cleaned up, and vehicle parking be corrected by July 30, 2020. Additionally, all vehicles in violation were to be removed within 72 hours of being tagged. (Exhibit P, Exhibit BB, Testimony of Tiffany Stewart).
21. That on November 3 and 14, 2022, the City conducted inspections, took photographs of the Property, and subsequently sent a notice to the Owners declaring that certain practices were nuisances and was requiring the debris and garbage be cleaned up, rodents be exterminated, and vehicle parking be corrected by November 28, 2022. Additionally, all vehicles in violation were to be removed. (Exhibit Q, Exhibit BB, Testimony of Tiffany Stewart).
22. That on January 10, 2024, the City conducted an inspection, took photographs of the Property, and subsequently sent a notice to the Owners declaring that certain practices were nuisances and was requiring the debris and garbage be cleaned up, rodents be exterminated, and vehicle parking be corrected by January 24, 2024. Additionally, all vehicles in violation were to be removed. (Exhibit R, Exhibit BB, Testimony of Tiffany Stewart).
23. That on February 21, 2024, the City conducted an inspection and took photographs of the property. (Exhibit BB, Testimony of Tiffany Stewart).

24. That on March 13, 2024, the City conducted an inspection, took photographs of the Property, and subsequently sent a notice to the Owners declaring the Property was unfit for human habitation. (Exhibit S, Exhibit BB, Testimony of Tiffany Stewart).
25. That on June 18, 2024, the City conducted an inspection, took photographs of the Property, and subsequently sent the Owners a grass and weed violation notice and required it be cleaned up by June 26, 2024. (Exhibit T, Exhibit BB, Testimony of Tiffany Stewart).
26. That on July 10, 11, and 25, 2024, the City conducted inspections, took photographs of the Property, and subsequently sent the Owners a demolition notice via certified mail. (Exhibit U, Exhibit BB, Testimony of Tiffany Stewart).
27. That on July 25, 2024, the City posted a notice of demolition on the Property. (Exhibit BB, Testimony of Tiffany Stewart).
28. That on August 12, 2024, the City requested the Owners' permission to enter the Property to conduct an inspection and advised that North Dakota law allowed them to obtain an administrative search warrant if there was no response by August 27, 2024. This request was sent via certified mail. (Exhibit W, Exhibit X-1 to X-3, Testimony of Tiffany Stewart).
29. That on August 20, 2024, the City sent the Stark County Auditor a demolition notice via certified mail. (Exhibit V, Testimony of Tiffany Stewart).
30. That on October 2, 2024, Tiffany Stewart provided an Affidavit as part of the application to obtain an administrative search warrant for the Property. (Exhibit Y, Testimony of Tiffany Stewart).
31. That the Stark County District Court issued an administrative search warrant to conduct an inspection of the Property. (Exhibit Z, Testimony of Tiffany Stewart).

32. That on October 8, 2024, the City posted the search warrant to the Property. (Exhibit BB, Testimony of Tiffany Stewart).

33. That on October 11, 2024, the City conducted an inspection of the exterior and interior of the Property and took photographs. (Exhibit BB, Testimony of Tiffany Stewart).

34. That as of June 17, 2025, the Owners had made no attempts to repair, remedy, or otherwise rehabilitate the Property since the October 11, 2024 inspection. (Testimony of Tiffany Stewart).

35. That City staff recommended the structure located on the Property be demolished because it is uninhabitable and remains a public nuisance with no attempts or plans to remedy the Property. (Testimony of Tiffany Stewart).

ORDER

36. The Board of City Commissioners has reviewed the relevant portions of the Dickinson Municipal Code and has accepted exhibits offered by the parties, as well as heard testimony offered by the witnesses called.

37. Based on the foregoing facts and evidence presented to the Board of City Commissioners, this Commission finds that the structure located at 219 5th St. E., Dickinson, ND 58601 is a dangerous structure and must be demolished pursuant to the Dickinson Municipal Code, more specifically underlined, as follows:

Sec. 8-184. - Conditions constituting dangerous buildings or structures.

For the purposes of this article, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered. For the purposes of this article, the term "Building Code" shall mean the Building Code adopted by the City in Section 8-11.

- 1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

- 2) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- 3) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than 1.5 times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
- 4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
- 5) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- 6) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.
- 7) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- 8) Whenever the building or structure, or any portion thereof, because of:
 - f. Dilapidation, deterioration or decay;
 - g. Faulty construction;
 - h. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - i. The deterioration, decay or inadequacy of its foundation; or
 - j. Any other cause; is likely to partially or completely collapse.
- 9) Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- 10) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.
- 11) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
- 12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - d. An attractive nuisance to children;
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 - f. As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

- 13) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of the State or jurisdiction relating to the condition, location or structure of buildings.
- 14) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the:
 - a. Strength;
 - b. Fire resisting qualities or characteristics; or
 - c. Weather-resisting qualities or characteristics; required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- 15) Whenever a building or structure, because of inadequate maintenance, dilapidation, decay, damage, faulty construction, or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that it is likely to cause sickness or disease.
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- 3) In any case where a dangerous building cannot be repaired so that it will no longer exist in violation to the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the City or statute of the State, it shall be demolished.

Section 8-186 - Dangerous buildings, nuisances.

All dangerous buildings within the terms of Section 8-184 are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided in this article.

38. That adequate service upon the Property Owners has been made pursuant to Section 8-192.
39. That this Order may be appealed to the District Court within thirty (30) days.
40. That if the owner, occupant, mortgagee or lessee fails to comply with this Order or fails to appeal to the District Court within thirty days, the City through its officers and employees shall cause such building or structure to be demolished and shall bill the owner, occupant, mortgagee or lessee for the costs of such demolition. If the bill is not paid when due, the costs may be assessed against the land on which the building existed pursuant to Section 8-189 of the DMC.

Dated this ____ day of _____, 2025.

Scott Decker
Mayor, Board of City Commissioners